
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Electrocomm - Michigan, Inc.)	File No.: EB-FIELDNER-13-00008304
Licensee of Stations WPXM787, WPZA841 and)	
WQBR464)	NOV No.: V201332360032
)	
Detroit, Michigan)	

NOTICE OF VIOLATION

Released: July 1, 2013

By the District Director, Detroit Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to Electrocomm - Michigan, Inc. (Electrocomm), licensee of Private Land Mobile Radio Stations WPXM787, WPZA841 and WQBR464 in Troy, Michigan and Detroit, Michigan. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation noted herein.²

2. On April 16, 2013, agents of the Enforcement Bureau's Detroit Office monitored Private Land Mobile Radio Station WPXM787 and inspected Private Land Mobile Stations WPXM781 and WQBR464, located at Cobo Center, Detroit, Michigan, and observed the following violation:

47 C.F.R. § 1.903(a): "*General rule.* Stations in the Wireless Radio Services must be used and operated only in accordance with the rules applicable to their particular service as set forth in this title and with a valid authorization granted by the Commission under the provisions of this part, except as specified in paragraph (b) of this section." At the time of inspection, the agents found that the Cobo Center was renting radios from Electrocomm pursuant to 47 C.F.R. § 90.179, which allows licensees of private land mobile stations to "share the use of their facilities." Under 47 C.F.R. § 90.179(b), the licensee "is responsible for assuring that the authorized facility is used only. . . consistent with the requirement of this rule part." The agents found that the radios were programmed with, *inter alia*, the frequencies 469.975 MHz and 457.500 MHz. Electrocomm does not have authorization to operate on 469.975 MHz under any of its licenses. In addition, although Electrocomm's license for Station WPXM787 authorizes

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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operation on 457.500 MHz, such operation must take place within a 25 km radius of the fixed location of 42°32'48.1"N latitude, 083°08'14.7"W longitude. The Cobo Center is 25.4 km from the fixed location.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Electrocomm - Michigan, Inc. must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Rules, we direct Electrocomm - Michigan, Inc. to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an individual who has personal knowledge of the representations provided in Electrocomm - Michigan Inc.'s response and who has the authority to verify the truth and accuracy of the information therein,⁵ and confirm that all of the information requested by this Notice which is in the possession, custody, control, or knowledge of Electrocomm - Michigan, Inc. has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Detroit Office
24897 Hathaway Street
Farmington Hills, Michigan 48335

6. This Notice shall be sent to Electrocomm - Michigan, Inc. at its address of record.

³ 47 U.S.C. § 308(b).

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'." 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

James A. Bridgewater
District Director
Detroit District Office
Northeast Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).